

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-227-C – ORDER NO. 2006-415
JULY 24, 2006

IN RE: Application of Hargray Wireless, LLC for) ORDER GRANTING
Designation as an Eligible) MOTION FOR
Telecommunications Carrier Under 74 U.S.C.) CONFIDENTIAL
214(e)(2).) TREATMENT

This matter comes before the Public Service Commission of South Carolina (Commission) on the Motion filed by Hargray Wireless, LLC in the present proceeding (Hargray or the Company) for Confidential Treatment (Motion). The present docket was established upon Hargray's filing on July 23, 2003, of a Petition for Designation as an Eligible Telecommunications Carrier in the State of South Carolina. On June 20, 2006, Hargray filed an Amendment to the Company's Application for Designation as an Eligible Telecommunications Carrier (Amendment) and concurrently filed its Motion for Confidential Treatment. Specifically, Hargray requests the Commission to: (1) declare the build-out plan spreadsheets and maps attached as Appendices A through E to the Amendment confidential; (2) afford such Appendices confidential treatment; and (3) protect such Appendices from public disclosure. Pursuant to Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials", issued May 6, 2005, Hargray delineates in the Motion the material for which the confidential treatment is

sought and such information was filed in a separate package clearly marked “Confidential.”

S.C. Code Ann. Section 30-4-40(a)(1) states that matters to be exempt from the South Carolina Freedom of Information Act (FOIA) include: “Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information. Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, marine terminal service and nontariff agreements, and evaluations and other materials which contain references to potential customers, competitive information, or evaluation.”

According to Hargray, public disclosure of the information contained in Appendices A through E to the Company’s Amendment would be both economically damaging to Hargray and economically advantageous to the Company’s competitors. Hargray asserts that the Company’s projected network expenditures and its cell site and signal propagation maps contained in the Appendices contain proprietary business and technical information regarding Hargray’s telecommunications network in South Carolina and that public disclosure would cause serious competitive harm to the Company. According to Hargray, the spreadsheets and maps enclosed in the Appendices contain information indicating the location of Hargray’s customers and the focus of its

marketing efforts in South Carolina and that disclosure of these materials would reveal confidential details pertaining to Hargray's network infrastructure, customer base, marketing strategies, and the Company's competitive position in the South Carolina telecommunications marketplace. Further, Hargray states that the detailed budgeting, cell site location, and signal coverage information contained in the Appendices is known only to authorized Hargray employees and Hargray's counsel and that the information is subject to the Company's internal data security policies. Hargray requests the Commission afford confidential treatment of Appendices A through E of the Hargray's Amendment and that such treatment is needed to protect the Company's proprietary trade secret information and competitive position in the South Carolina telecommunications marketplace.

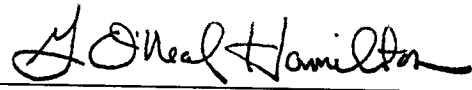
We find that the information for which Hargray seeks protection as confidential falls within the definition of materials which may be exempted from disclosure under FOIA. The Commission therefore grants the Motion of Hargray and provides that the aforementioned information provided in the Appendices to Hargray's Amendment shall be considered proprietary and confidential and filed under seal.

IT IS THEREFORE ORDERED:

1. The Motion of Hargray Wireless, LLC is granted. The material cited is hereby declared confidential. The Commission and Commission Staff shall treat the materials as confidential, and such materials shall not be subject to public disclosure absent further order of this Commission.

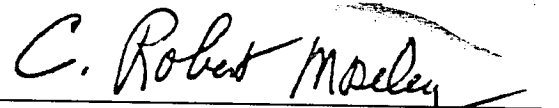
2. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)